

Serial No.: 10/763,891
Atty. Docket No.: D5396

REMARKS

Reconsideration of this application as amended is requested. Claims 1-19 are in this application. Claims 1-5 and 9-14 are canceled. The applicant amends claims 6 and 16. The amendment of claim 6 is found in the specification at paragraph [0022]. The amendments of claim 16 is found in the specification at paragraph [0023] and Fig. 5.

No new issue is believed raised by the amendments as they are thought to better distinguish the applicant's invention from the cited art. The applicant respectfully requests the examiner consider any amendment and these remarks and allow the claims. The applicant also incorporates herein the previous Remarks made in response to any previous Office Action into these Remarks.

In the previous response, the examiner stated that the applicant's previous arguments were fully considered but not persuasive. The examiner stated because the module receiver 20 was permanently mounted to the seat frame, the module receiver 20 was now part of the seat frame 42 and the whole assembly shown in Fig. 3 was the seat frame. Ex. Rem. p. 5. The examiner stated that there is no structure in the claim to what constitutes a seat frame as the term "seat frame" is broadly claimed as being within the seat.

While the examiner may give applicant's claims their broadest reasonable meaning, the examiner must apply to the words their ordinary usage as they would be understood by one of ordinary skill in the art. *In re Morris*, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997). The examiner's interpretation of claim terms should not be so broad that it conflicts with the meaning given to identical terms in other patents from

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analogous art. *In re Cortright*, 49 USPQ2d 1464, 1467 (Fed. Cir. 1999).

The applicant's use of the term "frame" when applied to a seat back frame follows the meaning readily known to a person of ordinary skill in the art. The term "frame" is a common word with which one skilled in the art for motor vehicle seats would be readily familiar. A frame is "the underlying constructional system or structure that gives shape or strength." Exhibit 1. *Merriam-Webster Online Dictionary*, www.m-w.com/cgi-bin/dictionary (retrieved May 25, 2007). The seat back frame in the motor vehicle industry is a skeleton that gives the seat back its strength and shape. Exhibit 2 reinforces this meaning of "frame" showing the front pages of many examples of patents relating to seat back frames. The meaning is also shown in the Web pages downloaded from several vehicle seat manufacturers in Exhibit 3.

Based on the definition of "frame" and the prior art relating to seat frames, the examiner's interpretation of the term "seat frame" to include a mounted bin is unreasonable. The examiner's interpretation conflicts with the meaning of a seat frame as found in the art. The bin-like module receiver is not a skeletal structure of the seat back. One of ordinary skill in the art would not consider a seat frame 42 with a bin attached to it to be a "seat frame" as proposed by the examiner.

This conclusion is borne out by the disclosure of *Bush et al.* which also does not consider the module receiver part of a seat frame. *Bush et al.* uses the term "seat frame" as defined in the dictionary and as used Exhibits 2 and 3. Fig. 4. *Bush et al.* makes clear that attachment bracket 44 is part of the seat frame 42 by actually saying that it is. Col. 2, l. 31-33; Col. 3, l. 43-55. ("Referring now to FIGS. 3, 4, and 5, the seat back frame 42 includes an attachment bracket 44 connected to or formed as part of

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frame 42.") *Bush et al.*, however, also makes clear that module receiver 20 is not part of the seat back frame like the attachment bracket 44 by actually saying that module receiver 20 is installed and secured to the seat back frame 42. Col.3, l. 51-53.

The examiner's interpretation of the term "within" as related to the seat back frame is unreasonable. The examiner admits that the applicant's receivers 68 in Fig. 3 are not the same as the *Bush et al.* modular receiver 20 but are located at the back exterior of the seat in a similar manner as disclosed by *Bush et al.* P. 6. The examiner first states that the module receiver 20 frame is set in the seat back. P. 3. Later on, the examiner states that the claims do not require the entire seat frame to be enclosed by the seat back, admitting the module receiver 20 frame is not located within the seat back. P. 6.

The examiner effectively deletes the seat frame being enclosed within the seat back, not the receiver. The seat frame being within the seat back is an explicit limitation in the applicant's claims. While an examiner determines the patentability of an invention as claimed with all its limitations, "[i]t is improper to delete explicit limitations from the claim in order to find the residue in the prior art. *In re Schreiber*, 44 USPQ2d 1429,1434 (Fed. Cir. 1997)."

The examiner also states that the tongues 82 of *Bush et al.* extend outwardly from the inner wall of the cabinet. P. 3. The examiner's interpretation of the term "forward slanting section" as recited in the claims is unreasonable. The examiner first states that the forward slanting section is between the seat back 14 and the seat bottom 12. P. 2, 3. The examiner next states: "the inner wall is located opposite the outer wall and adjacent the forward slanting section (see Figure 14)" which is a different location

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from the location previously stated. P. 3. In addition, Fig. 14 shows neither a seat nor a seat back and thus cannot show the forward slanting section of the seat. Figure 14 shows one of the cabinet modules without either the seat or the module receiver 20.

The applicant's claims, however, recite that the forward slanting section is part of the seat back, not the cabinet as shown in Fig. 14 of *Bush et al.* And as part of the seat back, the forward slanting section cannot be between itself and the seat bottom.

The examiner's interpretation of the term "inner wall" as recited in the claims is unreasonable. The examiner states that the tab/tongues extend outwardly from the inner wall of the *Bush et al.* cabinet. P. 3. Later on the examiner states: "the *Bush et al.* tongues clearly extend outwardly from the cabinet, the tongues are also considered to extend from the inner wall of the cabinet." P. 7.

The examiner's states effectively deletes the explicit limitation of the applicant's cabinet inner wall from the claim. The inner wall is: "an inner wall opposite the outer wall and between the cabinet sidewalls and located adjacent the rear of the seat back at the forward slanting section." The applicant's Fig. 5 shows that the cabinet inner wall borders or touches the exterior of the rear of the seat back at the forward slanting section. The applicant's cabinet inner wall does not include the top of the cabinet as recited by the claims. The *Bush et al.* tabs/tongues extend out of the top of the cabinet which is not opposite the outer wall as recited in the claims and adjacent to the rear of the seat back at the forward slanting section and therefore cannot be an inner wall.

The examiner rejected claims 6-8, and 16 as anticipated by *Bush et al.*, U.S. Pat. No. 6,199,948 under Section 102. The examiner restated arguments from his previous Office Action relating to Fig. 14 and the alternate embodiment shown in Figs. 15, 15A.

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The examiner has rejected claim 6 as anticipated by *Bush et al.*, U.S. Pat. No. 6,199,948 under Section 102. The examiner has stated that *Bush et al.* discloses a storage system 120 for use on a car seat back 14. As discussed above, the examiner considers the seat frame to be module receiver 20 and 42 set in the seat back.

Claim 6 is not anticipated by *Bush et al.* Claim 6 as amended recites "a seat frame being located within the seat back;" and "multiple tabs extending outwardly from the cabinet inner wall and being welded to the seat frame within the seat back". By contrast, *Bush et al.* teaches as previously discussed, module receiver 20 frame is not located within the seat back. *Bush et al.* further teaches that tabs from the insert portion 90 releasably engage the module receiver 20, not being welded to the seat frame 42 itself within the seat back. *Bush et al.* also fails to teach multiple tabs extending outwardly from the cabinet inner wall. Because *Bush et al.* does not disclose all of the limitations of claim 6, *Bush et al.* does not anticipate claim 6. Claim 6, as well as claims 7-8 based on their dependency on claim 6, therefore distinguish patentably from *Bush et al.*

Claim 16 is not anticipated by *Bush et al.* as previously discussed for the seat frame. Claim 16 as amended recites "a seat frame having a support column and being located within the seat back" and "multiple receivers attaching directly to the support column of the seat frame." As discussed above, the *Bush et al.* module receiver 20 frame is not located within the seat back and the applicant's seat frame. *Bush et al.* also does not teach multiple receivers attaching directly to the support column of the seat frame.

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Claim 16 as amended also recites: "an inner wall opposite the outer wall and between the cabinet sidewalls and located adjacent the rear of the seat back at the forward slanting section." Claim 16 as amended further recites: "multiple tongues extending outwardly from the cabinet inner wall, each tongue releasably and matingly engaging one of the receivers". *Bush et al.* teaches multiple tongues 82 extending outwardly from the cabinet top, not an inner wall located adjacent to the rear of the seat back at the forward slanting section. Figs. 13, 14, 15A. *Bush et al.* does not show any tongues on its cabinet inner wall. Figs. 11, 12, 15B, 15C, 17B, 18B. Because not all of the limitations of claim 16 are disclosed by *Bush et al.*, claim 16 distinguishes patentably from *Bush et al.*

The examiner rejected claim 15 under Section 103 as unpatentable over *Bush et al.* in view of *Bohnett*. The examiner stated that it would be obvious to one of ordinary skill in the art to add the slots and removable partitions of *Bohnett* to the cabinet of *Bush et al.*

The examiner's proposed combination does not meet all the terms of claim 15. Claim 15 recites: "a seat frame being located within the seat back" and "multiple tabs extending outwardly from the cabinet inner wall and welded to the seat frame within the seat back." By contrast, *Bush et al.* recites a module receiver 20 attached to a seat frame with multiple tabs extending from the cabinet top to engage the module receiver, while *Bohnett* discloses removable partitions in slots.

As discussed previously, neither *Bush et al.* nor *Bohnett* teach the module receiver 20 frame is located within the seat back. If the seat frame is within the seat back, the tabs must engage the seat frame within the seat back as well. Therefore, the

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combination that would result from adding the removable partitions that fit within slots of *Bohnett* to the cabinet of *Bush et al.*, as proposed by the examiner, would still lack "a seat frame being located within the seat back;" and "multiple tabs extending outwardly from the cabinet and welded to the seat frame within the seat back" of claim 15. Therefore, claim 15 is patentably distinct from the combination of *Bush et al.* and *Bohnett*.

The examiner rejected claim 17 under Section 103 as unpatentable over *Bush et al.* in view of *Bohnett*. The examiner stated that it would be obvious to one of ordinary skill in the art to add the slots and removable partitions of *Bohnett* to the cabinet of *Bush et al.*

Claim 17 is patentably distinct from the combination of *Bush et al.* and *Bohnett*. The examiner's proposed combination does not meet the terms of claim 17. Claim 17 as amended recites "a seat frame being located within the seat back and having a support column" and "multiple receivers attaching directly to the support column of the seat frame." As discussed above, if module receiver 20 is a seat frame, neither *Bush et al.* nor *Bohnett* teach this seat frame 20 is located within the seat back.

Claim 17 also recites "an inner wall opposite the outer wall and between the cabinet sidewalls and located adjacent the rear of the seat back at the forward slanting section." Claim 17 further recites "multiple tongues extending outwardly from the cabinet inner wall, each tongue releasably and matingly engaging one of the receivers". By contrast as discussed above for claim 16 and incorporated herein, *Bush et al.* recites a module receiver 20 seat frame with multiple tabs extending from the cabinet top to engage the single module receiver. *Bohnett* discloses removable partitions in slots.

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Therefore, the combination that would result from adding the removable partitions that fit within slots of *Bohnett* to the cabinet of *Bush et al.*, as proposed by the examiner, would still lack multiple receivers attaching directly to a support column of a seat frame, with the seat frame being located within the seat back, as well as multiple tongues extending outwardly from the cabinet inner wall of claim 17.

Therefore, claim 17, and claims 18 and 19 based on their dependency on claim 17, are patentably distinct from the combination of *Bush et al.* and *Bohnett*.

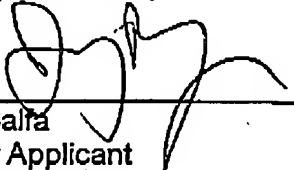
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CONCLUSION

Applicant believes the Claims as amended are in condition for allowance and respectfully requests favorable action by the Examiner.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR §1.8

I hereby certify that this **AMENDMENT AFTER FINAL** is being facsimile transmitted to the Patent and Trademark Office on or before 6/12/07 to (571) 273-8300.

Date: 6/12/07



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